

# The United States of America

To all to whom these presents shall come, Greeting:

AA-16164

## WHEREAS

Koniag, Inc., Regional Native Corporation

is entitled to a patent pursuant to Sec. 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(8), of the surface and subsurface estates in the following-described lands, which are described in Interim Conveyance Nos. 175, 352, 1506, and 1507:

Lot 19, U.S. Survey No. 2539, Alaska.

Containing 44.73 acres as shown on the plat of survey officially filed on June 22, 1987.

Lots 29, 30, 34, 35, 36, 37, 38, and 39, U.S. Survey No. 2539, Alaska.

Containing 701.24 acres as shown on the plat of survey officially filed on July 25, 1994.

Lot 40, U.S. Survey No. 2539, Alaska.

Containing 2.35 acres as shown on the supplemental plat of survey officially filed on October 14, 1994.

Aggregating 748.32 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation the surface and subsurface estates in the lands above described; TO HAVE AND TO HOLD the said estates with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said corporation, its successors and assigns, forever.

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted:

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1616(b), the following public easements, referenced by Easement Identification Number (EIN) on the easement map, a copy of which can be found in the Bureau of Land Management's public land records are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail - The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheeled vehicles, and small all-terrain vehicles (ATVs) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

One Acre site - The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, all-terrain vehicles (ATVs), snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

- a. (EIN 20a D9, L) An easement twenty-five (25) feet in width for a proposed access trail from site easement, EIN 20b, D9, L, along the state highway, northerly to the tidelands on Womens Bay. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

- b. (EIN 20b D9, L) A one (1) acre site easement located in Lot 37, U.S. Survey No. 2539, along the State highway, which extends around the coast of Womens Bay. The uses allowed are those listed above for a one (1) acre site easement.

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT  
TO:

1. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958, 48 U.S.C. Ch. 2, Sec. 6(g)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1616(b)(2), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;
2. A right-of-way, AA-8174, 200 feet in width, traversing lands in Lots 19 and 29, U.S. Survey No. 2539, Alaska, for a Federal Aid Highway. Act of August 27, 1958, as amended (72 Stat. 885: 23 U.S.C. 317);
3. A right-of-way, AA-11198, containing approximately 5.510 acres, a portion of which lies within Lot 19, U.S. Survey No. 2539, Alaska, for a Federal Aid material site. Act of August 27, 1958, as amended (72 Stat. 885: 23 U.S.C. 317);
4. The naval airspace reservation of Executive Order 8597, dated November 18, 1940;

5. The terms and conditions of the agreement dated December 9, 1977, among Koniag, Inc., Regional Native Corporation, the Secretary of the Interior, and the Commandant of the U.S. Coast Guard, entered into pursuant to Public Law 92-203, a copy of which is recorded in the Kodiak Recording District, beginning at Book 44, on Page 177, and Book 48, on Page 750; and
6. The conveyance agreement provisions in Section 5 of the Recreational Boating Safety Act of 1986 (Public Law 99-626) which state:
  - a. Under the agreement dated December 9, 1977, between the Commandant of the Coast Guard and Koniag, Incorporated, a regional Native corporation, pursuant to Public Law 92-203 (a copy of which is recorded beginning at Book 48, Page 750 of the Kodiak Recording District, Kodiak, Alaska) and any conveyance made under that agreement, the rights or title conveyed to Koniag, Incorporated, shall be construed to include the following:
    - (1) Under the agreement, welding or other equipment or machinery may be operated or maintained on lands conveyed to Koniag, Incorporated, if the equipment or machinery does not cause harmful electromagnetic interference with the Coast Guard Holiday Beach receiver site or is operated and maintained under terms and conditions mutually agreeable to the Coast Guard and Koniag, Incorporated. Harmful electromagnetic interference is defined as radio frequency signals which disrupt or degrade communications reception performance.
    - (2) The conveyance of the "old shipyard" includes the wharf and all lands of any nature beneath the wharf.

- (3) An access and utility easement is intended as part of the conveyance for parcel 2, known as Cliff Point, which consists of
  - (A) A 100-foot wide access easement along the existing access road or a location that is mutually agreeable to the Coast Guard and Koniag, Incorporated, and includes the right to construct and operate an access road, bridges, guard rails, and other associated improvements; and
  - (B) A 40-foot wide utility easement adjacent to the access easement in paragraph (3)(A) of this subsection or a location that is mutually agreeable to the Coast Guard and Koniag, Incorporated.
- (4) The construction, maintenance, and operation of a dock facility or location of any structure or thing on the premises described in section (c) of schedule 4 of the agreement is not inconsistent with the easement for the barge landing easement and access to and from the barge landing area reserved by the United States Government (hereinafter referred to in this paragraph as the "Government"), if the dock facility is constructed or the structure or thing is located as approved by the Government. Approval by the Government is deemed to be granted if a proposal for the construction and location of the dock facility, structure, or thing is submitted to the Government and
  - (A) The Government does not respond within 60 days of receipt of the proposal, or

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(B) If a response with recommendations for modification is submitted by the Government within 60 days of receipt of the proposal, the proposal is modified in a manner necessary to reasonably satisfy the requirements of the Government

(i) To use the dock facility for a barge landing area as contemplated by the easement, and

(ii) To permit access to and from the barge loading area to public highways for the transportation of materials as specified in Agreement.

b. All rights or conveyances confirmed by this section are subject to the sanctions in the Agreement referred to in subsection (a).

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

[SEAL]

GIVEN under my hand, in ANCHORAGE, ALASKA  
the THIRTIETH day of JULY  
in the year of our Lord one thousand nine hundred and  
NINETY-SIX and of the Independence of the  
United States the two hundred and TWENTY-FIRST.

By /s/ Terry R. Hassett  
Terry R. Hassett  
Chief, Branch of 962 Adjudication

Patent Number 50 - 96 - 0562